

SENATE BILL 2423

By Niceley

AN ACT to amend Tennessee Code Annotated, Title 43,  
Chapter 39, relative to limitations on liability  
related to agritourism.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 43-39-102, is amended by deleting subsections (a) and (b) and substituting the following:

(a) Except as provided in subsection (b):

(1) No agritourism professional is liable for injury to or death of a participant, or damage to a participant's property, resulting solely from the inherent risks of agritourism activities, as long as the warning contained in § 43-39-103(b) is posted as required; and

(2) A participant or participant's representative shall not maintain an action against or recover from an agritourism professional for injury, loss, damage, including, but not limited to property damage, or death of the participant resulting exclusively from any of the inherent risks of agritourism activities.

(b) Nothing in subsection (a) prevents or limits the liability of an agritourism professional if the agritourism professional or any of its agents does any one (1) or more of the following:

(1) Commits an act or omission that constitutes reckless disregard for the safety of the participant or the participant's property, and that act or omission proximately causes injury, damage, or death to the participant, or damage to the participant's property;

(2) Has actual knowledge or reasonably should have known of a dangerous condition on the land, facilities, or equipment used in the activity or the dangerous propensity of a particular animal used in the activity and does not make the danger known to the participant, and the danger proximately causes injury, damage, or death to the participant, or damage to the participant's property;

(3) Fails to train, or improperly or inadequately trains, employees who are actively involved in agritourism activities, and an act or omission of the employee proximately causes injury, damage, or death to the participant, or damage to the participant's property;

(4) Intentionally injures the participant, or damages the participant's property; or

(5) Commits any other act, error, or omission that constitutes willful or wanton misconduct, gross negligence, or criminal conduct.

SECTION 2. Tennessee Code Annotated, Section 43-39-103, is amended by deleting subsection (b) and substituting the following:

(b) The signs and contracts described in subsection (a) shall contain the following language or substantially similar language:

**WARNING**

Under Tennessee law, there is no liability for an injury to or death of a participant, or damage to the property of a participant, in an agritourism activity conducted at this agritourism location or by this agritourism professional if such injury, death, or property damage results from the inherent risks of the agritourism activity.

Inherent risks of agritourism activities include, among others, risks of injury and damage inherent to land, equipment, and animals, as well as the potential for you to act in a negligent manner that may contribute to your injury or

death or to the damaging of your own property. You are assuming the risk of participating in this agritourism activity.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.